



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 9, 1995

Ms. J. Praba Cinclair
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
City Hall
Dallas, Texas 75201

OR95-1054

Dear Ms. Cinclair:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 35251.

The Dallas Police Department received a request for photographs of a particular crime scene and autopsy records pertaining to a particular individual. You have submitted the autopsy report to us for review and claim that section 552.108 of the Government Code exempts the report and the crime scene photographs from required public disclosure.

Section 11 of article 49.25 of the Code of Criminal Procedure provides that autopsy reports are public records. *See also* Open Records Decision Nos. 529 (1989), 21 (1974). The Open Records Act's exceptions to required public disclosure do not, as a general rule, apply to information expressly made public by other statutes. *See* Open Records Decision No. 525 (1989). Accordingly, we conclude that you may not withhold the requested autopsy reports from required public disclosure under section 552.108 of the Government Code.

Regarding the crime scene photographs, you claim that they relate to an ongoing criminal investigation and may therefore be withheld under section 552.108. We agree. In an open criminal case, section 552.108 exempts from disclosure all information except that normally found on the first page of the offense report. *See generally Houston*

Chronicle Publishing Co. v. City of Houston, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). You may therefore withhold the crime scene photographs under section 552.108.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Loretta DeHay". The signature is written in a cursive, flowing style.

Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 35251

Enclosures: Submitted documents

cc: Mr. Anthony D. Lyons
6th Floor Nations Bank Tower
400 South Zang Boulevard
Dallas, Texas 75208
(w/o enclosures)